

AMENDED IN ASSEMBLY AUGUST 19, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 95

Introduced by Assembly Member Torlakson

January 6, 2009

~~An act to amend Section 49430.5 of the Education Code, relating to school meals, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately. An act to add Section 67365 to the Education Code, relating to student athletes.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 95, as amended, Torlakson. ~~School meals: reimbursement. Student athletes: recruiting: disclosure.~~

Existing law prohibits any person from giving, offering, promising, or attempting to give any money or any other thing of value to any particular student athlete or member of the immediate family of the student athlete for purposes of inducing or encouraging the student athlete's application, enrollment, or attendance at a public or private institution of postsecondary education in order to have the athlete participate in intercollegiate sporting events, contests, exhibitions, or programs at that institution, except in accordance with the bylaws of the National Collegiate Athletic Association, as specified.

This bill would require a collegiate athletic recruiter representing a postsecondary educational institution in the State of California or outside the State of California to provide California student athletes in elementary, junior high, high school, or college with certain information relating to the college athletic program within one week of initiating personal contact with the student athlete for purposes of athletic recruiting. The bill, commencing January 1, 2011, would require any

scholarship offer to be made in writing within one week of a verbal offer and prior to a student athlete signing an athletic scholarship agreement with a postsecondary educational institution. The written agreement would be required to include specified information relating to the institution's athletic program.

~~Existing law requires each school district or county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, to provide for each needy pupil one free or reduced-price meal during the schoolday, as specified. Existing law establishes the reimbursement rate a school receives for free and reduced price meals sold or served to pupils.~~

~~This bill would specify that, if the Superintendent of Public Instruction determines that the appropriation set forth in the Budget Act of 2008-09 is insufficient to fully fund all free and reduced price meal reimbursement claims, the State Department of Education shall notify the Legislature of the statutory funding amount necessary to reimburse school districts at the prescribed rate. The bill would appropriate \$19,500,000 to reimburse claims pursuant to those provisions.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: ~~yes~~-no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 67365 is added to the Education Code,
- 2 to read:
- 3 67365. (a) For purposes of this section, the following
- 4 definitions shall apply:
- 5 (1) "Collegiate athletic recruiter" means any individual
- 6 representing a postsecondary educational institution in the State
- 7 of California or outside the State of California for purposes of
- 8 soliciting student athletes to apply, enroll, or attend the institution
- 9 in order to have the athlete participate in intercollegiate sporting
- 10 events, contests, exhibitions, or programs at that institution.
- 11 (2) "Student athlete" means an individual in an elementary,
- 12 junior high, high school, or postsecondary educational institution
- 13 who participates in any interscholastic athletic program in
- 14 California, including an individual who receives scholarship funds

1 *for his or her athletic participation and an individual who does*
2 *not receive scholarship funds for his or her athletic participation.*

3 (3) *“Personal contact” means any direct, individualized contact*
4 *made by a collegiate athletic recruiter for purposes of athletic*
5 *recruiting with a student athlete or his or her family members,*
6 *including, but not limited to, telephone calls, personalized mail,*
7 *in-person contact, or e-mail.*

8 (4) *“Verbal agreement” means an agreement between a student*
9 *athlete and a representative from a collegiate athletic program,*
10 *not memorialized in writing, relating to the student athlete’s*
11 *commitment to apply, enroll, or attend the postsecondary*
12 *educational institution in order to have the athlete participate in*
13 *intercollegiate sporting events, contests, exhibitions, or programs*
14 *at that institution, either for scholarship money or not for*
15 *scholarship money.*

16 (b) *Commencing January 1, 2011, within one week of any*
17 *personal contact with a student athlete for purposes of recruiting*
18 *the student athlete for a collegiate interscholastic athletic program,*
19 *the collegiate athletic recruiter shall provide in writing to the*
20 *student athlete all of the following information:*

21 (1) *A description of the medical insurance policies that affect*
22 *student athletes, including, but not limited to, terms of eligibility*
23 *for medical insurance coverage, covered conditions and events,*
24 *medical premiums, copayments, deductibles, maximum benefits,*
25 *and the process for obtaining independent medical opinions.*

26 (2) *The total sum of medical payments, including, but not limited*
27 *to, deductibles and copayments, that the postsecondary educational*
28 *institution did not pay for sports-related injuries incurred by*
29 *members of each athletic team in each of the last four years.*

30 (3) *Any scheduling conflict between the mandatory classes in*
31 *majors offered at the postsecondary educational institution, and*
32 *the schedule of the athletic team for which the student athlete is*
33 *being recruited, as well as the athletic program’s policy for how*
34 *the conflict is resolved.*

35 (4) *The number of student athletes in each academic major.*

36 (5) *The number of student athletes who changed majors, and*
37 *the names of the original majors.*

38 (6) *Each athletic team’s policy concerning the criteria for the*
39 *renewal or nonrenewal of an athletic scholarship, including*
40 *circumstances in which a student athlete suffers a temporary or*

1 *permanent sports-related injury, there is a coaching change, or a*
2 *student athlete's athletic performance is deemed to be below*
3 *expectations.*

4 *(7) The average percent of decrease in the dollar amount of a*
5 *renewed one-year athletic scholarship for a temporarily injured*
6 *and a permanently injured student athlete on each athletic team*
7 *for the previous four years.*

8 *(8) The number and percentage of student athletes on each*
9 *athletic team whose scholarships were not renewed in each of the*
10 *previous four years.*

11 *(9) The number of and rate at which student athletes with*
12 *remaining athletic eligibility did not return to each athletic team*
13 *in the previous four years.*

14 *(10) The number of and rate at which student athletes from any*
15 *athletic team with remaining athletic eligibility transferred to*
16 *another school.*

17 *(11) The number of student athletes from any athletic team who*
18 *were denied an intercollegiate transfer request in the previous*
19 *four years.*

20 *(12) The average length of time it took to grant an*
21 *intercollegiate transfer request for any student athlete from any*
22 *athletic team in the previous four years.*

23 *(13) The sum of expenses included in the cost of attending the*
24 *postsecondary educational institution that are not included in a*
25 *full grant-in-aid athletic scholarship for the current year and*
26 *previous three years.*

27 *(14) A summary of the intercollegiate athletic program's use*
28 *of funds that may be used toward assisting student athletes with*
29 *expenses that are not included in a full grant-in-aid scholarship.*

30 *(15) The average monthly payment received for an on-campus*
31 *and off-campus full scholarship student athlete enrolled in classes*
32 *in each sport during the regular academic and summer sessions*
33 *in each of the last four years.*

34 *(16) The results of an anonymous annual student athlete survey*
35 *concerning student athletes' opinions about the safety of their*
36 *workout environment, academic support, and their coaches.*

37 *(17) The number of rescinded written scholarship offers for*
38 *each athletic team in each of the previous four years.*

1 (18) *Institutional policies that may restrict the athletic eligibility*
2 *of a student athlete who wishes to transfer to another*
3 *postsecondary educational institution.*

4 (19) *The number of full-scholarship student athletes on each*
5 *athletic team who enrolled in summer school in each of the*
6 *previous four years.*

7 (c) *Commencing January 1, 2011, any scholarship offer shall*
8 *be made in writing within one week of a verbal offer and prior to*
9 *a student athlete signing an athletic scholarship agreement with*
10 *a postsecondary educational institution. The written offer shall*
11 *include at least all of the following information:*

12 (1) *Any specific academic qualifications that will guarantee the*
13 *student athlete's enrollment in the postsecondary educational*
14 *institution.*

15 (2) *A description of the medical insurance policies that will*
16 *affect the student athlete, including, but not limited to, terms of*
17 *eligibility for medical insurance coverage, covered conditions and*
18 *events, medical premiums, copayments, deductibles, maximum*
19 *benefits, and the process for obtaining independent medical*
20 *opinions.*

21 (3) *Each athletic team's policy and standard practices*
22 *concerning the criteria for the renewal or nonrenewal of an athletic*
23 *scholarship, including circumstances in which a student athlete*
24 *suffers a temporary or permanent sports-related injury, there is a*
25 *coaching change, or a student athlete's athletic performance is*
26 *deemed to be below expectations.*

27 (4) *The number and percentage of student athletes on the team*
28 *whose scholarship was not renewed in each of the previous four*
29 *years.*

30 (5) *Which expenses, if any, will be paid for by an athletic grant*
31 *or scholarship, including summer school expenses.*

32 (6) *Expense items included in the cost of attendance that will*
33 *not be paid for by the postsecondary educational institution,*
34 *including summer school expenses.*

35 (7) *A summary of the intercollegiate athletic program's use of*
36 *funds that may be used toward assisting student athletes with*
37 *expenses that are not included in a full grant-in-aid athletic*
38 *scholarship.*

1 (8) Which, if any, meals the intercollegiate athletic program
2 regularly makes available during the regular academic year and
3 during the summer.

4 (9) The average monthly deduction, if any, that is deducted from
5 a full-scholarship student athlete's payment to pay for meals that
6 the intercollegiate athletic program regularly makes available
7 during the regular academic year.

8 (10) The terms and the amount of any death benefit provided
9 by the postsecondary educational institution in case of
10 sports-related death.

11 (11) Whether or not an athletic scholarship offer will expire.

12 (d) Nothing in this section shall be construed to require a
13 postsecondary educational institution to revise athletic scholarship
14 contracts entered into prior to the effective date of this bill.

15 ~~SECTION 1. The Legislature finds and declares all of the~~
16 ~~following:~~

17 ~~(a) Despite California's commanding role in food cultivation~~
18 ~~and production, over five million Californians are hungry,~~
19 ~~experience food insecurity, or live in fear of hunger, and many of~~
20 ~~these Californians are children.~~

21 ~~(b) As the economy worsens, more families face food insecurity~~
22 ~~and stretched household food budgets. Federal food assistance~~
23 ~~programs, food banks, food pantries, and the emergency food~~
24 ~~system cite an increased demand for their services.~~

25 ~~(c) The United States Department of Labor has reported that~~
26 ~~the cost of food at home increased by 6.1 percent in 2008. Families~~
27 ~~are struggling with skyrocketing food and other rising living costs~~
28 ~~that are placing pressure on already tight budgets.~~

29 ~~(d) Every day in schools across California, millions of children~~
30 ~~rely on state and federally subsidized school meals for a significant~~
31 ~~portion of their daily nutritional needs.~~

32 ~~(e) Over three million California children participate in the~~
33 ~~National School Lunch Program every day, and California's school~~
34 ~~meal programs serve more than two out of every five pupils in our~~
35 ~~state throughout the year.~~

36 ~~(f) The United States Congress created and expanded our school~~
37 ~~meal programs in response to times of economic distress to address~~
38 ~~the economy's impact on nutrition, hunger, and the health of our~~
39 ~~agricultural communities, and the California Legislature~~

1 supplements the National School Lunch program to offset the
2 increased costs of serving a healthy meal in California.

3 (g) Children who consume a school breakfast have better test
4 scores, better attendance, are tardy less often, and have better
5 classroom behavior and fewer visits to the nurse's office than
6 children who do not.

7 (h) California schools served a record 770.6 million school
8 meals in the 2007-08 school year, an increase of 4.5 percent over
9 the prior school year, despite a slight decline in the number of
10 pupils enrolled in public schools, and the increase in the number
11 of school meals served has continued to dramatically accelerate.

12 (i) A November 2008 California Department of Education
13 sample survey has reported a 12 percent increase in school meals
14 served when compared to September and October 2008.

15 (j) The unprecedented demand for school meals in California
16 indicates how the state's economic downturn is causing many
17 families in California to turn to nutritious school meals for their
18 children to prevent hunger.

19 (k) The State of California has a responsibility to ensure that
20 students have access to nutritious meals because hungry children
21 cannot learn, and proper nutrition for children is a matter of the
22 highest state priority.

23 (l) State law requires school districts in California to provide a
24 nutritious meal to every eligible student each schoolday.

25 SEC. 2. Section 49430.5 of the Education Code is amended to
26 read:

27 49430.5. (a) The reimbursement a school receives for free and
28 reduced price meals sold or served to pupils in elementary, middle,
29 or high schools included within a school district, charter school,
30 or county office of education shall be twenty-one cents (\$0.21).

31 (b) To qualify for the reimbursement for free and reduced price
32 meals provided to pupils in elementary, middle, or high schools,
33 a school shall follow the Enhanced Food Based Meal Pattern,
34 Nutrient Standard Meal Planning, or Traditional Meal Pattern
35 developed by the United States Department of Agriculture or the
36 SHAPE Menu Patterns developed by the state, and annually certify
37 that it is in compliance with the nutrition standards set forth in
38 Section 49430.7.

1 ~~(e) The reimbursement rates set forth in this section shall be~~
2 ~~adjusted annually for increases in cost of living in the same manner~~
3 ~~set forth in Section 42238.1.~~

4 ~~(d) If the Superintendent determines that the appropriation set~~
5 ~~forth in the annual Budget Act is insufficient to fully fund all~~
6 ~~eligible reimbursement claims pursuant to subdivision (a), the~~
7 ~~department shall notify the Legislature of the statutory funding~~
8 ~~amount necessary to reimburse school districts at the rate~~
9 ~~prescribed in subdivision (a) for providing nutritious meals to all~~
10 ~~needy students.~~

11 ~~SEC. 3. The amount of nineteen million five hundred thousand~~
12 ~~dollars (\$19,500,000) is hereby appropriated to fully fund all free~~
13 ~~and reduced price meal reimbursement claims pursuant to Section~~
14 ~~49430.5 of the Education Code for the 2008-09 fiscal year.~~

15 ~~SEC. 4. This act is an urgency statute necessary for the~~
16 ~~immediate preservation of the public peace, health, or safety within~~
17 ~~the meaning of Article IV of the Constitution and shall go into~~
18 ~~immediate effect. The facts constituting the necessity are:~~

19 ~~In order to ensure that pupils in need continue to have access to~~
20 ~~nutritious meals to prevent hunger, it is necessary that this act take~~
21 ~~effect immediately.~~